

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MR. JEREMY LEVIN, DR. LUCILLE LEVIN, and SUZELLE M. SMITH, TRUSTEE OF THE JEREMY ISADORE LEVIN 2012 REVOCABLE TRUST, AS AMENDED,

Plaintiffs,

-v-

ISLAMIC REPUBLIC OF IRAN;
IRANIAN MINISTRY OF
INFORMATION AND SECURITY;
and IRANIAN ISLAMIC
REVOLUTIONARY GUARD CORPS,

Defendants.

Case No. 1:09-cv-05900-JPO-RLE

M18-302

**EX PARTE APPLICATION AND
MOTION FOR COURT
ORDERED WRIT OF
EXECUTION PURSUANT TO 28
U.S.C. §1610**

Petitioners Dr. Lucille Levin and Suzelle M. Smith, Trustee of the Jeremy Isadore Levin 2012 Revocable Trust, as amended, a real party in interest, (“Petitioners” or “Judgment Creditors”) move the Court and submit this application pursuant to 28 U.S.C. § 1610(c) for an ex parte Order finding that a reasonable period of time has elapsed and directing the Clerk to issue a writ of execution to enforce judgments entered in Dr. Lucille Levin and the late Jeremy Levin’s (the “Levins”) favor against the Islamic Republic of Iran, the Iranian Ministry of Information and Security, and the Iranian Islamic Revolutionary Guard Corps (“Iranian Judgment Debtors”) in an action brought under 28 U.S.C. § 1605(a)(7). *Levin v. Islamic Republic of Iran*, 529 F. Supp. 2d 1, 5-13 (D.D.C. 2007). Prior to his death, Mr. Levin assigned and transferred all rights and/or interests in his judgment to the Jeremy

Isadore Levin 2012 Revocable Trust. Dkt. 1298 ¶ 5. On April 20, 2020, this Court ordered Ms. Smith, as Trustee of the Jeremy Isadore Levin 2012 Revocable Trust, as amended, be substituted for Mr. Levin as plaintiff and judgment creditor in this action. Dkt. 1300. Filed concurrently herewith are Petitioners' Memorandum of Law ("Memorandum") and the Declaration of Suzelle Smith ("Smith Decl.") in Support of the Motion and Application.

Petitioners have identified property of the Iranian Judgment Debtors and their agencies and instrumentalities ("the Property"), including but not limited to assets, namely \$9,998,941.91 associated with the petroleum tanker Nautic (a/k/a Gulf Sky), with International Maritime Organization ("IMO") number 9150377, held by Wells Fargo Bank, N.A. ("Wells Fargo"), who maintains branches in this District. *See* Exhibit C to Smith Decl.

Petitioners hereby seek a court ordered writ of execution under 28 U.S.C. § 1610 in order to levy on the Property in possession of Wells Fargo.

WHEREFORE, Petitioners pray (1) that their ex parte application and motion be granted; (2) that the Court enter the Proposed Order, attached hereto as Exhibit A, finding that, pursuant to 28 U.S.C. § 1610(c), a reasonable period of time has elapsed following the entry of judgment against Iranian Judgment Debtors and the giving of any notice required under 28 U.S.C. § 1608(e); (3) that the Court direct the Clerk to issue a writ of execution with respect to the Property for the judgments registered by the Levins in this Court; and (4) that the Court find that Clerk of this Court is authorized and directed to issue such further writs in aid of execution as warranted

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under, and in accordance with, Rule 69 of the Federal Rules of Civil Procedure, consistent with the Court's Order.

Dated: August 11, 2020

HOWARTH & SMITH

By: */s/ Suzelle M. Smith*
Suzelle M. Smith
Howarth & Smith
523 West Sixth Street, Suite 728
Los Angeles, California 90014
(213) 955-9400

Attorney for Plaintiffs/Judgment Creditors